

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIGUEL E. DIAZ,	)	No. C 06-3162 JF (PR)
	)	
Petitioner,	)	ORDER ADDRESSING PENDING
	)	MOTION
v.	)	
	)	
TOM L. CAREY, Warden	)	
	)	
Respondent.	)	(Docket No. 8)

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Petitioner, a California prisoner proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 24, 2008, this Court granted Petitioner's motion for stay the petition while he exhausts his additional claims in state court. Petitioner filed another motion for stay on February 20, 2008. The clerk shall terminate the motion (Docket No. 8) as MOOT. This action remains stayed until thirty days after the California Supreme Court's final decision on Petitioner's additional claims, as set forth below.

### CONCLUSION

1. Petitioner is cautioned that if he wishes to have this Court consider his unexhausted claims, he must have properly presented those claims to the California Supreme

1 Court **within thirty (30) days** of the date the order granting the stay was filed, *i.e.*, **no later**  
2 **than February 23, 2008.**

3 2. Once the California Supreme Court has issued a decision on Petitioner's  
4 additional claims, and if he has not obtained relief in state court, Petitioner shall promptly  
5 notify this Court **within thirty days** of the California Supreme Court's decision by filing a  
6 "Motion to Reopen Action" along with an AMENDED PETITION stating all the claims,  
7 including the newly exhausted claims, that he wishes to present before this Court. The  
8 Amended Petition shall have the caption "AMENDED PETITION" and the case number C  
9 06-3162 JF (PR).

10 3. This action has been administratively closed pending the stay of this action.  
11 This had no legal effect and was purely a statistical procedure. When Petitioner informs the  
12 Court that he has exhausted his additional claims as set forth above, the case will be  
13 administratively re-opened.

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15 IT IS SO ORDERED.

16 DATED: 6/25/08

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18 JEREMY FOGEL  
19 United States District Judge  
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